

**INLAND WETLANDS COMMISSION**  
**REGULAR MEETING**  
**July 6, 2016**

**MEMBERS:**

Mary Davis, Chair  
Sally MacKenzie  
Marcia Puc - absent  
Tracy DeBarber  
Mark Bakstis  
Alex Olbrys, Alternate

**OTHER:**

Sue Goggin, Town Planner/ZEO/WEO  
Lori Rotella, Assistant ZEO - absent  
Wayne Zirolli, Borough Engineer  
Attorney Fitzpatrick  
Public - 0

**SHOW CAUSE HEARING**

**6:00 P.M.** Show Cause Hearing for activities within the 100 foot wetland and watercourse Upland Review Area at 550 Horton Hill Road.

Mary Davis explained that she received a letter from Susan Goggin regarding grading being done on property located at 550 Horton Hill Road that was too close to the wetlands. Wayne Zirolli and Susan inspected the property this morning and noted that the lawn was green and stabilized. Mr. Robert Gregorio, 550 Horton Hill Road, Naugatuck, CT stated that he has a variance to fill in the wetlands area. He also mentioned that this was the second time he was called in before the Borough. Mr. Gregorio believes the variance was granted to either Duffy or Bayberry back in 1994. He explained what happened the last time he was called in. He also stated that he did not bring the variance with him and he did not respond to Susan's letter. He received the cease and desist letter through certified mail which arrived an hour after he finished seeding his lawn. Susan will try and verify there is a variance on file. Mr. Gregario further explained that he purchased the house in 1993. He searched the Town Clerk's office for the variance but could not find one on file. He stated that he did everything he could to protect the stream. His neighbors are also protecting the stream. Mr. Gregario brought in clean fill, top soil, seed and hay. He also used silt fence and hay bales while doing the work. Mary advised the home owner not to do anything else until we find the variance. There was further discussion regarding the 3 houses on that side of Horton Hill that have had problems in the past with the sewer pump station failing.

Show Cause Hearing continued to August 3, 2016 at 6:00 P.M.

**6:15 P.M.** Continued Show Cause Hearing for activities within the 100 foot wetland and watercourse Upland Review Area at 106 Bowman Drive.

Louise Gertz, 106 Bowman Drive, Naugatuck, CT. Susan stated that the property looked good. Louise explained that she put in more plantings and spread the wood chips to create a berm but there is still more work to be done. Susan felt that Louise should spread more

wood chips where the piles were, next to the tree, to keep that area from eroding. Susan noted that it was not eroding at this time. She also said that Louise still has to put in more plantings and put down stone in the driveway.

Show Cause Hearing continued to August 3, 2016 at 6:15 P.M.

## **REGULAR MEETING**

1. Mary Davis called this meeting to order at 6:00 P.M. Mary noted there was a quorum. Mary opened the meeting with the Pledge of Allegiance and made Alex Olbrys a regular voting member in place of Marcia Puc.
2. Executive session with Borough Attorney.  
There was none.
3. Public comment  
There was none.
4. **OLD BUSINESS**

A. Long Meadow Pond Brook ERT Study

There was no new information. Susan noted that she read on the agenda from the Borough Board meeting held on July 5, 2016 that the Armory was being discussed under Executive Session. Wayne Zirolli added that they are trying to hire an environmental professional, Tim Carr from Nobis Engineering for the Armory.

B. Commission discussion regarding an existing Commercial Outdoor Automobile Storage (IW#14-01) located at the Risdon Property, Arch Street, Scott Road, Andrew Avenue and Rubber Avenue; Applicant: A Better Way Wholesale Auto.

Susan Goggin stated the site looks good. The Mayor had Wayne Zirolli reach out to Steve Trinkaus for a status on A Better Way's new plan. Steve has been working on a new site plan which has not been submitted to the Land Use Office yet. Wayne explained that it would cost \$4,000,000 to \$5,000,000 to build out the site, with the majority of that going to building the retaining walls. Steve Trinkaus is trying to reduce construction costs possibly by reducing the size of the building and eliminating the retaining walls. Any major change or modification to the site plan would require the applicant to come back before the Wetlands Commission.

## 5. **NEW BUSINESS**

A. Commission discussion/decision regarding application for proposed new construction at 62 Pleasant Avenue (IW #16-05), Applicant: Jose Cotas

Susan stated that all fees were paid and their tax form has been submitted. Jesse Judson, Land Surveyor with Michael H. Horbal, 52 Main Street, Seymour, CT for Jose Cotas. Jesse explained that the lot was originally created in October 2014. It was split off from 62 Pleasant Avenue. The applicant is proposing to build a new house on the .24 acre lot. Jesse gave a detailed description of where the existing storm water storm pipe is and where

it will be relocated to. He also explained the new storm water system being proposed for the lot. The house will be serviced by city water and city sewer. Jesse explained to the commission the layout of the proposed storm water system. There will also be the standard erosion control measures in place during construction. Wayne Zirolli stated that there will be no increase in water to the storm water pipe. The town never knew exactly where the pipe was located on the property and now they do. He also explained that the town requested an easement to be able to service the pipe. Mary asked how many feet from the wetlands will the house be built. Jesse stated that the corner of the house will be 10 ½ feet away. There was a discussion on what if there were problems with the drainage pipe and how would it be repaired being located so close to the house. The commission was concerned about the foundation of the proposed house. Wayne explained the town would have a 10' easement which will be enough room to get a machine in there to make any possible repairs. The current pipe is approximately 100 years old and it is a ceramic coated clay pipe. It is currently in good condition. They will be replacing the old pipe with HPV pipe. Jesse also explained that the lot has always been maintained and mowed up to the wetlands area. The commission asked if the house could be moved to the back of the lot further away from the wetlands. There was a question on why the proposed upgrade from a 20" pipe to a 24" pipe. Wayne explained that is the way to make the connection from the old pipe to the new. A question was asked if anyone checked with zoning before splitting off the lot. Attorney Fitzpatrick explained the process of splitting a lot and that they did their due diligence. Once the title search has been done and it is determined that it meets the zoning criteria then the split can be done. A question was asked that once it meets the zoning criteria, does it need to meet the wetland regulations. Attorney Fitzpatrick explained that this is an approved lot but it is still subject to wetlands review and the Zoning does not consider wetlands when splitting the lot. This lot is located in an RA-1 zone. Part of the zoning analysis is to protect people's right to enjoy the use of their property. Mary stated she would like to see the house pushed back on the lot to have it away from the drainage pipe being installed. Jesse stated that would cause more disturbance and more runoff by doubling the length of the driveway. You would also have to bring in a considerable amount of fill. He also mentioned that if the house is moved back further than more of the house would be near the wetlands. The proposed location of the house fits in with the rest of the neighborhood. Wayne Zirolli also stated that by pushing the house further back you would have more coverage with the driveway and it would be difficult with the grades. Mary scheduled a site walk for July 13, 2016 at 6:30 p.m. Continued to the August 3, 2016 meeting.

B. Commission discussion/decision regarding application for demolition of restaurant at 741 Rubber Avenue (IW #16-06), Applicant: Lorraine Emanuel

Attorney Salvatore representing the owner of Mount View Plaza. Attorney Salvatore explained that the building is an eye sore and the owner wants to demolish it to the slab. They have hired Waterbury Wrecking LLC to perform the demolition. An application was also submitted to the Building Department. The

plans were prepared by Scott Meyers. There will be silt fence backed by hay bales. Susan noted that the tax form has been submitted and all their fees have been paid. The commission asked how long this will take to come down. Attorney Salvatore said it should take less than a week to demolish and remove the materials. The wrecking company will use a backhoe, pay loader and dump trucks for the job. They will also spray down the facility. Mary would like to have a water truck on site to keep dust down. Wayne explained that the town has a sequence of demolition besides the standard conditions that will apply. Attorney Fitzpatrick made some suggestions as to what the conditions should be; a sequence of demolition, remove rubble and debris, have site property graded and maybe have a bond in place plus the standard conditions. The commission would also like a double row of staked hay bales. If the job is not complete within one week, they will have to notify Land Use the reason of the delay. Susan will inspect the property. Attorney Salvatore explained that the existing pile on the site is stuff coming out of the building; fixtures, portions of the aluminum sign, portions of the walk in cooler, etc. and it will be covered nightly. He also stated that part of the demolition process is to have an asbestos inspection and submit that to the state.

**VOTED:** Unanimously on a motion by Alex Olbrys and seconded by Sally MacKenzie to approve the application for demolition of restaurant at 741 Rubber Avenue (IW #16-06), with the following conditions:

- a. Install a temporary 8' chain link fence around the perimeter of the property.
- b. Install and maintain erosion controls during the demolition. Silt fence and a double row of hay bales to be used.
- c. Perform interior abatement of hazardous materials.
- d. Watering truck to be on site for dust control.
- e. Mobilize equipment.
- f. The demolition of the structure will begin by pulling the structure away from the brook and into the fenced construction area. The demolition debris will be loaded into trucks and taken off the site.
- g. Erosion controls and fence will be removed once all the debris is removed.
- h. Site shall be finished to the grade of the slab.
- i. General conditions.

C. Additional items require a 2/3 vote of the Commission.

**VOTED:** Unanimously on a motion by Alex Olbrys and seconded by Tracy DeBarber to add IW #16-07 to the agenda for discussion.

Susan Goggin explained that an application was handed into the Land Use Office from Tractor Supply, 1160 New Haven Road and will be given IW #16-07. Jim Cassidy, Professional Engineer with Hallisey, Pearson & Cassidy, 35 Cold Spring Road, Rocky Hill together with Matthew Darling, the proposed developer for Tractor Supply explained the location and description of the project. He also

explained that there are no wetlands or wetlands soils on the site. The brook is across the street. There is a drainage swale on the lower corner of the site. Jim explained what type of business Tractor Supply is and who they cater to. The building will be 19,097 square feet. There will be an outdoor display area surrounded by a chain link fence. There will be 76 parking spaces with all of the parking being in the front of the building. Jim also explained the storm water system being proposed, the sediment and erosion controls and the construction sequence. They plan on having the binder course down before the asphalt plants close at the end of this year. Susan asked to run the development and earth excavation applications together under one IW number. Mary confirmed it is alright to hear the two applications at the same time but will be assigned two separate IW numbers. This application will be on the August 3, 2016 Inland Wetland agenda. Susan explained to the commissioners that they will receive IW #16-07 application tonight and IW #16-08 will be in their packets.

**VOTED:** Unanimously on a motion by Alex Olbrys and seconded by Sally MacKenzie to add the Borough of Naugatuck Sewer Service Area and Proposed Expansion Area Map dated May 26 revised June 14, 2016 to the agenda for discussion .

Susan explained that she met with Jim Stewart, Fred Agee, Wayne Zirolli and the Mayor regarding a Sewer Service and Expansion Map. The state requires this map to be on file. The WPCA is the commission that creates this map but they are looking for review from the other commissions. The WPCA will hold a public hearing on August 18, 2016. Susan went over the map with the commission. She explained there is no time frame for the map to be given to the state. Susan will invite Jim Stewart to the next Inland Wetlands meeting on August 3, 2016 to explain further.

Attorney Fitzpatrick left the meeting.

6. **CORRESPONDENCE**

There was none.

7. **WEO REPORT**

A. Autohaus Property, 393 Rubber Avenue (IW #08-08)

Susan Goggin explained that this issue is going to be brought before the new enforcement task force. The committee is made up of Police, Valley Heath, Public Works, Land Use, Building Department, Fire, the Mayor and Attorney Tim Fitzpatrick. This was originally for blight issues that could not be remedied but now includes zoning and wetlands. They held their first meeting a couple of weeks ago. Sue explained how the first meeting went and how they will handle issues. All of the town departments are working together to resolve issues. This issue will be brought up at the next meeting and Sue will report back to the commission at next month's meeting. Mary stated that the wetlands commission

would still take care of any cease and desist orders. The task force will be good for the people who won't comply. Mary would like to leave this item on the agenda for next month. Sue did state that the task force will handle both the trailer and the rain garden.

B. Naugatuck HS Renovation (IW#12-04) – water quality test results

Wayne Zirolli did not get the water quality standards for drinking water. He will have the information for the August 3, 2016 meeting.

8. **REVIEW/APPROVAL** of the May 4, 2016 and June 1, 2016 Show Cause Hearing and Public Regular Meeting Minutes.

**VOTED: 3-0-2** on a MOTION by Mark Bakstis and seconded by Alex Olbrys to **APPROVE** the May 4, 2016 minutes as amended:

**FOR**

Alex Olbrys  
Mark Bakstis  
Mary Davis

**AGAINST**

**ABSTAIN**

Tracy DeBarber  
Sally MacKenzie

The commission will vote to approve the June 1, 2016 minutes at the August 3, 2016 meeting.

9. **ADMINISTRATIVE BUSINESS**

Mary Davis went over with the commission what bias and predetermination means when voting on decisions and when one should recuse themselves from the vote. Mary also passed out a copy of pages 36 & 37 from "What's Legally Required" to help explain further. She also suggested that all of the commissioners should have a copy of "What's Legally Required". Sue said she can make a copy for anyone who does not currently have one.

10. **ADJOURNMENT**

**VOTED:** Unanimously on a motion by Sally MacKenzie and seconded by Mark Bakstis to **ADJOURN** the meeting at 8:30 P.M.

Respectfully Submitted,

Sally MacKenzie, Secretary /lr